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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,  
et al.,

Plaintiffs,

v.

KATE BROWN, et al.,

Defendants.

Case No. 2:22-cv-01815-IM (*Lead Case*)  
Case No. 3:22-cv-01859-IM (*Trailing Case*)  
Case No. 3:22-cv-01862-IM (*Trailing Case*)  
Case No. 3:22-cv-01869-IM (*Trailing Case*)

CONSOLIDATED CASES

**UNOPPOSED MOTION OF NATIONAL  
AFRICAN AMERICAN GUN  
ASSOCIATION, INC., ASIAN PACIFIC  
AMERICAN GUN OWNERS  
ASSOCIATION, DC PROJECT  
FOUNDATION, INC., AND OPERATION  
BLAZING SWORD, INC. FOR LEAVE  
TO FILE BRIEF AND MEMORANDUM  
AS AMICUS CURIAE IN SUPPORT OF  
PLAINTIFFS MOTION FOR  
PRELIMINARY INJUNCTION**

*(caption continued on next page)*

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ASIAN PACIFIC AMERICAN GUN OWNERS ASSOCIATION, DC PROJECT FOUNDATION, INC.,  
AND OPERATION BLAZING SWORD, INC. FOR LEAVE TO FILE BRIEF AND MEMORANDUM  
AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, TIM FREEMAN,  
MAZAMA SPORTING GOODS, NATIONAL  
SHOOTING SPORTS FOUNDATION, and  
OREGON STATE SHOOTING  
ASSOCIATION,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, Attorney General of  
Oregon, and TERRI DAVIE, Superintendent of  
the Oregon State Police,

Defendants.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF AND  
MEMORANDUM IN SUPPORT OF PLAINTIFFS**

**LR 7-1 CERTIFICATION**

Pursuant to Local Rule 7-1(a), counsel for the proposed Amici Curiae certify that they conferred in good faith with counsel for all Plaintiffs and Defendants in the consolidated cases, and no party opposes this motion.

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**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Proposed *Amici Curiae*, a coalition of organizations representing women members of protected classes including National African American Gun Association, Inc., Asian Pacific American Gun Owners Association, DC Project Foundation, Inc., and Operation Blazing Sword, Inc. (together, the “Historically Discriminated Coalition”) respectfully submit this Unopposed Motion for Leave to File the amicus brief in support of Plaintiffs attached as Exhibit A. The Historically Discriminated Coalition’s input is desirable and will benefit the Court because the Historically Discriminated Coalition will raise legal arguments not otherwise addressed by Plaintiffs, as well as important considerations regarding the disproportionate impact of Measure 114 on women, people of color, LGBTQ persons and other members of historically marginalized communities.

**MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF**

Oregon voters narrowly passed Measure 114, titled “Changes to Firearm Ownership and Purchase Requirements Initiative,” which requires a new permit to purchase any firearm and restricts the purchase, sale, and continued ownership of magazines with the capacity to hold more than ten rounds. The Historically Discriminated Coalition organizations represent thousands of Oregonians and Americans. Their members have joined these associations based on their identification in the groups’ protected class and/or as their supporter. Despite the disproportionate rates of victimization due to violent crime suffered by these groups’ members, they view additional gun restrictions as primarily assisting criminals and hampering their preferred remedy of self-defense. These organizations and their respective members are significantly injured by the implementation of Measure 114, which is an impermissible infringement on Second Amendment Rights. The Court should exercise its discretion to grant the Unopposed Motion and allow the filing of the brief attached as Exhibit A.

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## ARGUMENT

### **I. Identity and Interests of the Proposed *Amici Curiae***

Proposed *Amici Curiae* represent thousands of Oregonian and American women, people of color, LGBTQ persons and other members that identify as a person within the groups' protected class or an ally of them. These organizations and their respective members, like all Oregonians and Americans, have the right to self-defense. As identified groups with historic discrimination, and presently with lingering disproportionate impact as crime victims, the Historically Discriminated Coalition and its members have a particularly significant and ongoing interest in the self-defense available to them through the use of legally owned firearms. Their unique interests are not adequately represented in the current litigants because despite their disproportionate rates of victimization due to violent crime, these groups' members choose self-defense as the remedy rather than additional gun restrictions which they view as primarily assisting criminals and hampering self-defense. Each organization has members and supporters whose interests are injured by implementation of Measure 114. They purchase, own, and use firearms as a means of protection and self-defense. Their ability to defend their home, family, friends, and other members of their community also experiencing disproportionately high rates of violent crime will also suffer.

### **II. *Amici Curiae* Should be Admitted in this Case**

The Court has broad discretion to admit amicus curiae in a case. *E.g., Greater Hells Canyon Council v. Stein*, No. 17-CV-843, 2018 WL 438924, \*1 (D. Or. Jan. 16, 2018). The “classic role” of amici is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982). “[T]here is no rule that amici must be totally disinterested.” *Funbus Sys., Inc. v. Cal. Pub. Utils. Comm’n.*, 801 F.2d 1120, 1125 (9th Cir. 1986) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982)). Rather, the “touchstone” is that the proposed amicus will provide arguments and information that assist the

Court's decision-making. *California v. U.S. Dep't of Labor*, No.13-CV-2069, 2014 WL 12691095, \*1 (E.D. Cal. Jan. 14, 2014) (citation omitted).

This Court should exercise discretion to grant the Historically Discriminated Coalition's participation in this case by allowing the filing of Exhibit A. As organizations that represent the interests of women, people of color, LGBTQ persons and others who self-identify in the groups' protected class or support them, the Historically Discriminated Coalition has a strong interest in preventing implementation of a law that will make it essentially impossible for those most in need of a means to protect themselves to obtain firearms for self-defense. The Historically Discriminated Coalition can explain how Measure 114 exacerbates these groups' historic discrimination and intensifies their disproportionately high risk of injury due to violent crime, and why this infringement on the historical use of firearms for self-defense renders the measure unconstitutional under recent Supreme Court precedent. The Historically Discriminated Coalition will fulfill the classic role of amicus.

## CONCLUSION

For these reasons, the Historically Discriminated Coalition respectfully requests that the Court grant them leave to file the amicus curiae brief attached as Exhibit A.

Respectfully submitted,

DATED: January 11, 2023

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**CERTIFICATE OF SERVICE**

In accordance with Fed. R. Civ. P. 5(b)(2)(E) and LR5-1, I hereby certify that on January 11, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

DATED this 11th day of January 2023.

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